

No. 2001-65993

COPY

THE LOCAL CHURCH, an unincorporated association; LIVING STREAM MINISTRY, a California non-profit corporation; THE CHURCH IN HOUSTON, a Texas non-profit corporation, THE CHURCH IN ARLINGTON, a Texas non-profit corporation; CHURCH IN BEAUMONT, a Texas non-profit corporation; THE CHURCH IN CORPUS CHRISTI, a Texas non-profit corporation; THE CHURCH IN DALLAS, INC., a Texas non-profit corporation; CHURCH IN DENTON, INC., a Texas non-profit corporation; THE LOCAL CHURCH IN EL PASO, a Texas non-profit corporation; THE CHURCH IN FORT WORTH, INC., a Texas non-profit corporation; THE CHURCH IN HUNTSVILLE, INC., a Texas non-profit corporation; THE CHURCH IN PLANO, a Texas non-profit corporation; CHURCH IN ODESSA, a Texas non-profit corporation; THE CHURCH IN RICHARDSON, a Texas non-profit corporation; THE CHURCH IN SAN ANTONIO, INC., a Texas non-profit corporation; THE CHURCH IN TEXARKANA, a Texas non-profit corporation; THE CHURCH IN TYLER, a Texas non-profit corporation; THE CHURCH IN FORT STOCKTON, a Texas non-profit corporation; and CHURCH IN LAREDO, a Texas non-profit corporation; CHURCH IN ALBUQUERQUE, a New Mexico non-profit corporation; THE CHURCH IN ANAHEIM, a California non-profit corporation; THE CHURCH IN ARCADIA, a California non-profit corporation; THE CHURCH IN CERRITOS, a California non-profit corporation; THE CHURCH IN ATLANTA, INC., a Georgia non-profit corporation; THE CHURCH IN BATON ROUGE, INC., a Louisiana non-profit corporation; CHURCH IN BELLEVUE, a Washington non-profit corporation; THE CHURCH IN BELLINGHAM, a Washington non-profit corporation; THE CHURCH IN BERKELEY, a California non-profit corporation; THE CHURCH IN BIRMINGHAM, a Alabama nonprofit corporation; CHURCH IN BOCA RATON,

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

80th JUDICIAL DISTRICT

INC., a Florida non-profit corporation; THE CHURCH IN BOISE, a Idaho non-profit corporation; THE CHURCH IN CAMBRIDGE, INC., a Massachusetts non-profit corporation; THE CHURCH IN CARY, a North Carolina non-profit corporation; THE CHURCH IN CHULA VISTA, a California non-profit corporation; THE CHURCH IN COLLEGE PARK, a Maryland non-profit corporation; THE CHURCH IN CYPRESS, a California non-profit corporation; THE CHURCH IN DAVIS, a California non-profit corporation; THE CHURCH IN DENVER, a Colorado non-profit corporation; THE CHURCH IN DIAMOND BAR a California non-profit corporation; THE CHURCH IN DUNN LORING, a Virginia non-profit corporation; CHURCH IN EL MONTE, a California non-profit corporation; THE CHURCH IN EUGENE, a Oregon non-profit corporation; THE CHURCH IN FAIRBORN, a Ohio non-profit corporation; THE CHURCH IN FRESNO, INC., a California non-profit corporation; THE CHURCH IN FULLERTON CORPORATION, a California non-profit corporation; THE CHURCH IN HUNTINGTON BEACH, a California non-profit corporation; CHURCH IN IRVINE, INC., a California non-profit corporation; CHURCH IN JACKSON, a Mississippi non-profit corporation; THE CHURCH IN JACKSONVILLE, INC., a Florida non-profit corporation; THE CHURCH IN KANSAS CITY, INC., a Missouri non-profit corporation; THE CHURCH IN LAFAYETTE, a Louisiana non-profit corporation; THE CHURCH IN LITTLE ROCK, a Arkansas non-profit corporation; THE CHURCH IN LONG BEACH, a California non-profit corporation; CHURCH IN LOS ANGELES, a California non-profit corporation; THE CHURCH IN MEMPHIS, a Tennessee non-profit corporation; THE CHURCH IN MIAMI, INC., a Florida non-profit corporation; CHURCH IN MILWAUKEE, a Wisconsin non-profit corporation; THE CHURCH IN MISSION VIEJO, INC., a California non-profit corporation; THE CHURCH IN MONTEBELLO, a California non-profit corporation; CHURCH IN MONTEREY PARK, a California non-profit corporation; THE CHURCH IN MORENO VALLEY, a

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ATTORNEYS AT LAW

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California non-profit corporation; THE)
 CHURCH IN NASHVILLE, a Tennessee)
 non-profit corporation; THE CHURCH IN)
 NEWINGTON, INC., a Connecticut non-)
 profit corporation; THE CHURCH IN)
 NORTH PROVIDENCE, a Rhode Island)
 non-profit corporation; THE CHURCH IN)
 NUTLEY, a New Jersey non-profit)
 corporation; THE CHURCH IN)
 OKLAHOMA CITY, INC., a Oklahoma)
 non-profit corporation; THE CHURCH IN)
 ORLANDO, a Florida non-profit)
 corporation; THE CHURCH IN PALATINE,)
 a Illinois non-profit corporation; CHURCH)
 OF GOD WHICH IS AT PHILADELPHIA,)
 a Pennsylvania non-profit corporation; THE)
 CHURCH IN PLEASANT HILL, a)
 California non-profit corporation; CHURCH)
 IN PORTLAND, a Oregon non-profit)
 corporation; THE CHURCH IN PULLMAN,)
 a Washington non-profit corporation; THE)
 LOCAL CHURCH IN RALEIGH, a North)
 Carolina non-profit corporation; THE)
 CHURCH IN REDDING, a California non-)
 profit corporation; THE CHURCH IN)
 RIVERSIDE, a California non-profit)
 corporation; CHURCH IN ROSEVILLE, a)
 California non-profit corporation; THE)
 CHURCH IN SACRAMENTO, a California)
 non-profit corporation; THE CHURCH IN)
 SALT LAKE CITY, a Utah non-profit)
 corporation; CHURCH IN SAN DIEGO, a)
 California non-profit corporation; THE)
 CHURCH IN SAN FRANCISCO, INC., a)
 California non-profit corporation;)
 ASSEMBLY OF THE SAN GABRIELERS,)
 a California non-profit corporation; THE)
 CHURCH IN SAN JOSE, a California non-)
 profit corporation; THE CHURCH IN)
 SANTA CLARA, a California non-profit)
 corporation; THE CHURCH IN SANTA)
 CLARITA, a California non-profit)
 corporation; THE CHURCH IN SEATTLE,)
 a Washington non-profit corporation; THE)
 CHURCH IN SHREVEPORT, a Louisiana)
 non-profit corporation; THE CHURCH IN)
 SPOKANE, a Washington non-profit)
 corporation; THE CHURCH IN)
 STREAMWOOD, a Illinois non-profit)
 corporation; THE CHURCH IN TACOMA,)
 a Washington non-profit corporation; THE)
 CHURCH IN TAMPA, INC., a Florida non-)
 profit corporation; CHURCH IN TEMPE,)
 INC., a Arizona non-profit corporation; THE)

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CHURCH IN THOUSAND OAKS, a
California non-profit corporation; THE
CHURCH IN TORRANCE, a California
non-profit corporation; THE CHURCH IN
TUCSON, INC., a Arizona non-profit
corporation; CHURCH IN TULSA, a
Oklahoma non-profit corporation; THE
CHURCH IN VICTORVILLE, a California
non-profit corporation; THE CHURCH IN
VISTA, a California non-profit corporation;
THE CHURCH IN WICHITA, INC., a
Kansas non-profit corporation; CHURCH IN
YORBA LINDA, a California non-profit
corporation;

Plaintiffs,

v.

HARVEST HOUSE PUBLISHERS, an
entity incorporated in Oregon and California;
JOHN ANKERBERG, an individual; and
JOHN WELDON, an individual,

Defendants.

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE COURT:

The Local Church, Living Stream Ministry, and the several churches listed above, complain of Harvest House Publishers, John Ankerberg, and John Weldon, jointly and severally, defendants, and for cause of action would show as follows:

I. DISCOVERY PLAN

1. This case should be conducted under the Texas Rules of Civil Procedure pursuant to Discovery Plan 3.

II. VENUE

2. Venue is proper in Houston, Harris County, Texas because the acts complained of herein occurred in whole or in part in this county.

III. INTRODUCTION

3. This defamation action arises from the publication of a purported “encyclopedia” about cults, whose stated purpose is to promote “intolerance” toward religious organizations named in the Encyclopedia. The very existence of these organizations, the authors claim, is “harmful” and “destructive” to society.

4. Throughout the book, these organizations are branded with various epithets, including “spiritual counterfeits,” “heretical groups” and “new age” religions. For the authors, however, the disparaging appellation of choice is “cult” because it has a “contemporary force” that the others do not. They chose “cult” because, “[u]sed properly, the term ‘cult’ also has particular value for secularists who are unconcerned about theological matters yet very concerned about the ethical, psychological and social consequences of cults[.]” The authors of the encyclopedia expressly used the word “cult” to conjure up disturbing images of the Jonestown massacre in Guyana and the smoke billowing from David Koresh’s compound in Waco. Without doubt, the authors intended to evoke these images by applying the word “cult” to organizations described in the book. But in order to provoke the deepest possible revulsion toward those organizations, the authors went one step farther: They created a catalog of characteristics that cults purportedly possess. According to the authors, cults physically and psychologically harm their members. They brainwash their members and demand blind obedience from them. They distort their true histories and those of their leaders. They deceive and defraud their members about financial matters and more.

5. By attributing these characteristics to the “cults” described in the book, the authors intend to convey to the reader that these organizations are not merely deserving of subjective disapproval on theological grounds. Rather, they are to be viewed and treated as deviants and criminals who have participated in specific bad acts.

6. Plaintiffs herein are expressly referred to and discussed in the book. Plaintiffs engage in Christian ministry, such as teaching the Bible, evangelistic work, children’s and young people’s work and conducting meetings for worship. Plaintiffs publish and distribute Christian

books, audio and videotapes, magazines, and produce radio programs. Plaintiffs support missions to emerging countries, which include relief from natural disasters such as earthquake relief in Taiwan, medical personnel to The Republics of the former Soviet Union, material relief for the poor in Ghana, flood relief in Honduras, clothing and other relief in Mexico, and many other of such works. None of the Plaintiffs' are a "cult" and none has engaged in the type of despicable conduct that the Encyclopedia attributes to cults. Yet, by virtue of their inclusion in the book, Plaintiffs' stand accused of such conduct and bear the stigma of the accusation.

7. The section of the Encyclopedia entitled "The Local Church" grossly distorts Plaintiffs and takes out of context many statements in order to present a misleading and incorrect view of Plaintiffs.

8. With respect to the defamatory material contained in the book, Plaintiffs have in writing, demanded a retraction. A copy of said demand for retraction is attached hereto and marked Exhibit A. However, Defendants have failed and refused to publish a clear and unequivocal retraction of the defamatory material.

IV. THE PARTIES

9. Plaintiff, The Local Church, is an unincorporated association of Christian churches, whose constituents are located throughout the United States and in numerous foreign countries. Plaintiff Living Stream Ministry is a non-profit corporation existing under the laws of the State of California with offices in the State of Texas. Plaintiffs, all of the local churches listed in the caption of this Petition, are non-profit corporations existing under the laws of the specified states (hereinafter "the Churches").

10. Defendant Harvest House Publishers (hereinafter "Harvest House") is a corporation organized and existing under the laws of the State of California. Harvest House is the publisher of the book entitled "Encyclopedia of Cults and New Religions" (hereinafter "the Encyclopedia"). The defamatory statements that are the subject matter of this action were published by Harvest House in said encyclopedia.

11. Defendant John Ankerberg (hereinafter “Ankerberg”) is an individual and, upon information and belief, a resident of the State of Tennessee. Ankerberg is one of the authors of the defamatory material contained in the book. Defendant John Weldon (hereinafter “Weldon”) is an individual, and upon information and belief, a resident of the State of Hawaii. Weldon is one of the authors of the defamatory material that appears in the Encyclopedia.

12. Plaintiffs are informed and believe and thereupon allege that defendants caused and continue to cause numerous copies of the Encyclopedia to be distributed within the State of Texas and throughout the United States and other countries.

13. Plaintiffs are informed and believe and thereupon allege that each of the Defendants herein acted in concert with respect to the creation, writing, editing and publishing of the Encyclopedia, including the defamatory material therein that is the subject of this action.

V. LIBEL

14. Plaintiffs incorporate herein paragraphs 1 through 13 inclusive.

15. Within one year of the date of this Complaint, defendants published the Encyclopedia. The Encyclopedia consists primarily of descriptions of various religious organizations identified by the authors as cults. Preceding these descriptions is a lengthy introductory section which informs the reader that, all of “the groups contained herein deserve the title” “cult.” Under a subheading entitled “Characteristics of Cults,” the introduction offers the reader a numbered list of negative attributes that the authors attribute to the “cults” described in the text. The introduction also includes many other statements attributing misdeeds and other approbations to the groups listed in the Encyclopedia.

16. Among other things, the Encyclopedia’s introduction specifically attributes to “cults” and therefore to Plaintiffs’, the following:

- A. Subjecting members to “physical” “harm.” (Page XXIV)
- B. “[F]raud or deception concerning” “fundraising” and “financial costs.” (Page XXIV)

- C. “[A]cceptance of shamanism.” (Page XXIV)
- D. “[E]ngaged in drug smuggling and other criminal activity, including murder.” (Page XXV)
- E. “[D]enied their followers blood transfusions and medical access.” (Page XXV)
- F. “[E]ncouraged prostitution.” (Page XXV)
- F. “[S]ometimes raped women.” (Page XXV)
- G. “[M]olested children.” (Page XXV)
- H. “[B]eaten their disciples.” (Page XXV)
- I. “[P]racticed black magic and witchcraft.” (Page XXV).

17. The Encyclopedia’s introduction expressly and implicitly imputes these “Characteristics of Cults” to the religious organizations described in the text. The language, layout, tone and tenor of the introduction is designed to, and does, cause a reasonable reader to conclude that the organizations described in the Encyclopedia were selected for inclusion therein precisely because they possess the “Characteristics of Cults” and commit the misdeeds listed. Furthermore, the authors expressly characterize their descriptions of Plaintiffs as factual: “Facts are facts.” (Page XIX)

18. The Encyclopedia also includes a section entitled “Doctrinal Appendix.” This Section attacks the groups included in the Encyclopedia, including Plaintiffs with further defamatory statements including the following:

- A. The groups included in the book “accept occult powers.” (Page 708);

- B. The groups included in the book are “associated with idolatry” and “universally promote idolatry” with its inevitable outcome “human sacrifice.” (Pages 710, 721);
- C. The groups included in the book engage in “murder,” “child sacrifice,” “prostitution,” and “snake worship” (Pages 714, 722).

19. The Encyclopedia contains a section entitled “The Local Church.” This section also expressly identifies Living Stream Ministry. When read in conjunction with the Encyclopedia’s introduction and appendix, this section conveys the false and defamatory message that The Local Church, the Churches, and Living Stream Ministry routinely engage in the activities set forth in paragraph 16 and 18 above. The section of the Encyclopedia entitled “The Local Church” is reasonably read in conjunction with and in the context of the Encyclopedia’s introduction and appendix, including the “Characteristics of Cults” subsection. The contents of these sections, including the defamatory statements described herein, were understood by readers to refer to and concern the Plaintiffs herein.

20. The above-described statements are defamatory per se in that they falsely impute immoral, illegal and despicable actions to Plaintiffs. In truth and in fact no Plaintiff has ever engaged in any such actions. The false and defamatory statements set forth herein expose Plaintiffs to hatred, contempt, ridicule, and financial injury.

21. Plaintiffs are informed and believe and thereon allege that Defendants made the defamatory statements alleged above knowing that they are false or with reckless disregard for their truth or falsity. Plaintiffs are further informed and believe and thereon allege that Defendants knew they had no reasonable basis in fact to make said statements. Defendants further knew that they had no reliable, unbiased evidence or information to support such statements and failed to make a reasonable effort to determine the truth or falsity of said statements.

22. The Encyclopedia containing the statements that are the subject of this action was published in the County of Harris, State of Texas. The defamatory statements were seen and read by persons who reside in the County of Harris, State of Texas.

VI. DAMAGES

23. Plaintiffs are informed and believe and thereon alleges that, when Defendants herein did the acts that resulted in the publication of the Encyclopedia, they intended to cause substantial injury to Plaintiffs and each of them.

24. Plaintiffs are informed and believe and thereon alleges that when Defendants herein did the acts that resulted in the publication of the Encyclopedia they knew or had reason to know that Plaintiffs would be injured by the defamatory statements described herein. Further, Defendants acted with conscious indifference to Plaintiffs' rights or welfare.

25. As a direct and proximate result of the publication of said defamatory statements, Plaintiffs, The Local Church and Living Stream Ministry, have each suffered damage to their reputation, hatred, contempt and ridicule in an amount of \$20,000,000. As a further direct and proximate result of the publication of said defamatory statements, each of the remaining Plaintiffs have suffered damage to their reputation, hatred, contempt and ridicule in an amount of \$1,000,000 each.

26. As a direct and proximate result of the publication of said defamatory statements, Plaintiffs, and each of them, have sustained financial injury in an amount not yet ascertained. Plaintiffs will seek leave of the Court to amend this Complaint when the precise amount of said damages are determined.

27. Plaintiffs are informed and believe, and thereon allege, that the conduct of Defendants was intentional and was done willfully, maliciously, with ill will toward Plaintiffs, and each of them, and with a conscious disregard for Plaintiffs' rights. As a result, Plaintiffs are entitled to punitive damages in an amount to be proven at trial.

VII. JURY TRIAL

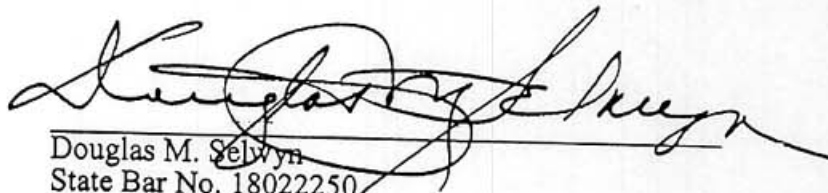
Plaintiffs hereby request a trial by Jury

WHEREFORE, Plaintiffs pray for judgment as follows:

1. For general damages in the amount of \$20,000,000 for The Local Church, \$20,000,000 for Living Stream Ministry and \$1,000,000 each for the remaining Plaintiffs;
2. For special damages in an amount to be proven at trial;
3. For punitive damages in an amount to be proven at trial;
4. For costs of suit incurred herein; and
5. For such other and further relief as this Court deems just and proper.

Respectfully submitted,

DAVIS & SELWYN



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